

July 24, 2020

BY ECF

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 7/29/2020

The Honorable Vernon S. Broderick
Thurgood Marshall U.S. Courthouse
United States District Court for the Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

RE: Joint letter regarding the status of *State of New York v. U.S. Dep't of Homeland Security, et al.*, No. 20 Civ. 5349 (VSB)

Dear Judge Broderick,

Pursuant to the Court's Order of July 16, 2020 and Rule 1(A) of the Court's Individual Rules & Practices in Civil Cases, the parties submit this joint letter respectfully to request that the Court hold this case in abeyance for 30 days, with a joint status report to be filed on August 24, 2020.

On July 13, 2020, Plaintiff filed a complaint and motion for a temporary restraining order, preliminary injunction, or stay to enjoin the July 6, 2020, U.S. Immigration & Customs Enforcement Broadcast Message relating to F and M nonimmigrant students. On July 14, Defendants announced the rescission, on a nationwide basis, of: (1) the July 6 Broadcast Message; (2) the July 7, 2020 FAQ relating to the July 2020 Guidance; and (3) implementation of the July 2020 Guidance and related FAQ. On July 15, the parties appeared before the Court for a status conference. In light of the July 14 rescission, the Court entered an order on July 16 denying Plaintiff's motion as moot, and directing the parties to submit a joint proposed stipulation resolving this matter by July 24.

The parties have conferred and have agreed to request that, instead of entering a stipulation of dismissal at this time, the Court hold this case in abeyance for thirty days. Plaintiff believes it cannot currently determine based on publicly-available information that the rescission announced on July 14 has been fully implemented. This additional time period will allow the parties to meet and confer regarding whether Defendants' announcement of the rescission and actions to date, and any future actions, implementing the rescission have resolved Plaintiff's claims, and the parties will provide a status report to the Court on or before August 24, 2020.

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

By: s/ Matthew Colangelo
Matthew Colangelo
Office of the New York Attorney General
28 Liberty Street
New York, NY 10005
Tel.: (212) 416-6057
matthew.colangelo@ag.ny.gov

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: s/Jeffrey S. Oestericher
JEFFREY S. OESTERICHER
REBECCA S. TINIO
Assistant United States Attorneys
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2695/2774
Jeffrey.Oestericher@usdoj.gov
Rebecca.Tinio@usdoj.gov